

# MONTANA PUBLIC EMPLOYEES' RETIREMENT BOARD

TITLE: Confidential Information

POLICY NO: BOARD Gen 02

EFFECTIVE DATE: 11/12/2004

## I. POLICY AND OBJECTIVE

It is the policy of the Public Employees' Retirement Board (the Board) to protect the privacy rights of Board-administered retirement system and deferred compensation plan members and benefit recipients.

The objective of this policy is to establish the criteria for releasing confidential information.

## II. APPLICABILITY

This policy applies only to appeals of staff determinations denying the release of confidential information and to requests for the release of confidential information made directly to the Board as part of a contested case process. The Board must direct any other request for confidential information to the Montana Public Employee Retirement Administration (MPERA) staff.

## III. DEFINITION

**Confidential information** is defined as information retained by the Board or by the MPERA that is constitutionally, statutorily or judicially protected from disclosure to the public.

## IV. CRITERIA FOR RELEASING CONFIDENTIAL INFORMATION

- A. The Board may not distribute or sell for use as a mailing list any list of Board-administered retirement system participants except as provided by the statutes and rules that permit the Board to conduct a mailing on behalf of a retiree organization formed for Board-administered retirement system participants with tax-exempt status under section 501(c)(4) of the Internal Revenue Code (IRC).

- B. The Board will release confidential information to the public only when one of the following exists:
1. a valid legal order;
  2. a written release from the member or benefit recipient; or
  3. a valid request to conduct a third party mailing pursuant to section A.

## **V. CROSS REFERENCES**

The following laws, rules or policies may contain provisions that apply to this policy. The list should not be considered exhaustive – others may also apply.

Montana Constitution Article II, Sections 8, 9 and 10.  
Public Records, Title 2, Chapter 6 (Section 2-6-109, MCA)  
Section 19-2-403, MCA  
ARM 2.43.303 Requests for Release of Information by Members  
ARM 2.43.308 – 2.43.310 Mailing for Non-Profit Groups  
Board Gen 01 Public Information  
Board's Statement of Governance Principles

## **VI. HISTORY**

G692.2 Confidential Member Information  
Originally Approved June 1992  
Amended April 1, 2004  
Amended November 12, 2004